IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODPUR

ORDER

S.B. Criminal Misc. Petition No.308/2007

(Mustaq Ahmed Vs. State)

Date of Order : September 20, 2007

HON'BLE MR. H.R. PANWAR, J.

Mr. M.S. Shaikh for the petitioner.
Mr. Ashok Upadhyay, P.P.

BY THE COURT :

By the instant misc. petition under Section 482 of the Code of Criminal Procedure, 1973 (for short "the Code" hereinafter), the petitioner has challenged the Order dated 29th January, 2007 passed by the Additional Sessions Judge (fast Track) No.3, Jodhpur (for short "the Revisional Court" hereinafter) whereby the revision petition filed by the petitioner against the order dated 10th April, 2006, passed by the Additional Chief Judicial Magistrate, Bhilara (for short "the trial court" hereinafter) was dismissed, however, the trial court was directed to pass an order on the application moved under Section 452 Cr.P.C. with regard to the disposal of the property ie. truck

bearing registration No.RJ19 G 0334 after impleading its registered owner as a party.

Heard learned counsel for the parties.

It is contended by learned counsel for the petitioner that the FIR being No.193/2004 was registered at Police Station Bhilara for the offence under Sections 406, 420 & 120B IPC. After thorough investigation, police submitted negative final report and the trial court accepted the negative final report. However, the petitioner claims himself to be purchaser of the truck from the registered owner, therefore, moved an application under Section 457 Cr.P.C., which was not accepted by the trial court and while accepting negative final report, the trial court dismissed the said application on the ground that the matter is pending before the Revisional Court.

On revision, the Revisional Court did not interfere with the order passed by the trial court, however, directed the trial court to decide the application under Section 452 Cr.P.C. with regard to disposal of the property. The order of the learned Revisional Court directing the trial court to pass final order under Section 452 Cr.P.C. for final disposal of the property cannot be said to be erroneous. Let the parties appear before the trial

court and the trial court shall pass final order on the application under Section 452 Cr.P.C. with regard to disposal of the property utmost expeditiously.

The misc. petition stands disposed of.

(H.R. PANWAR), J.

vij